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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ RSA 80/2025, CM APPL. 28014/2025

SH JAGPARVESHAppellant

Through: Mr. Anil Dagar, Advocate.

versus

SMT AARTI PALRespondent

Through:

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

% **28.08.2025**

CM APPL. 28015/2025 (exemption)

Exemption granted, subject to just exceptions.

The application stands disposed of.

RSA 80/2025

By way of the present regular second appeal filed under section 100 read with Order XLII Rule 1 of the Code of Civil Procedure 1908, the appellant impugns order dated 20.01.2025 passed by the learned first appellate court in appeal bearing RCA DJ No.22/24, whereby the learned appellate court set-aside judgment dated 12.09.2023 passed by the learned Civil Judge, North-East District, Rohini Courts, Delhi in CS No.1268/2018.

2. The court has heard Mr. Anil Dagar, learned counsel appearing for the appellant.
3. The operative part of the impugned order passed by the learned first appellate court reads as follows:

“Ld. Civil Judge further opined that the daughter in law was not able to prove anything but then the Ld. Civil Judge herself did not properly proceeded in the case. No one was appearing on behalf



of daughter in law but instead of proceeding in exparte manner, the Ld Civil Judge closed the right of DE and heard final arguments of the plaintiff and passed the Judgment. This was not proper at all in the available circumstances, I am of the view that defendant no. 2 i.e. the daughter in law should be granted an opportunity to lead proper evidence. Therefore, the matter needs to be remanded back to the Ld. Civil Judge for further trial. Daughter in law has filed certain photographs in this appeal showing brutality against her. She shall also be allowed to lead evidence in respect of such brutality.

In view of the aforesaid, the judgment and decree dated 12.09.2023 passed by the Ld. Civil Judge in suit no 1268/18 are set aside. The Ld. Civil Judge shall take up the civil suit for further evidence and consideration and decide the matter afresh.”

4. The court is informed that the matter is now pending before the learned Civil Judge and is listed next on 17.12.2025.
5. In the circumstances, this court is not inclined to entertain the present regular second appeal, since the matter has only been remanded back to the learned trial court for fresh adjudication.
6. The present regular second appeal is accordingly disposed-of, reserving the liberty in favour of the appellant to challenge any order that may come to be passed by the learned trial court, as may be permissible, in accordance with law.
7. Pending applications, if any, stand disposed-of.

ANUP JAIRAM BHAMBHANI, J

AUGUST 28, 2025/ss